

Minutes of the August 28, 1998 Meeting
California Regional Water Quality Control Board
Santa Ana Region
25541 Barton Road
Loma Linda

1. Regional Board Chair Henriques called the meeting to order at 9:05 a.m.

BOARD MEMBERS PRESENT

Melody Henriques, Regional Board Chair
Karen Stein, Regional Board Vice-Chair
Jerry A. King
John B. Withers
Rodger Siems
Evelyn Hart
Ann Atkinson
Maurice Gallarda

STAFF MEMBERS PRESENT

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Karen White, Executive Assistant
Gary D. Stewart, Chief of the Regulations Section
Hope Smythe, Chief of the Planning Section
Mark Adelson, Chief of the Surveillance and Enforcement Section
Larry Vitale, Environmental Specialist III of the Surveillance and
Enforcement Section
Robert Nicklen, Water Resources Control Engineer of the Planning Section
Kenneth Theisen, Sanitary Engineering Associate of the Planning Section

LEGAL COUNSEL

Ted Cobb, State Water Resources Control Board

STATE BOARD REPRESENTATIVE

Mary Jane Forster

PUBLIC IN ATTENDANCE

Joe Grindstaff, Santa Ana Watershed Project Authority
Ray Shaw, United Parcel Service
Mark Norton, Santa Ana Watershed Project Authority
De Hunter, Orange County Sanitation District
Aladdin Shaikk, City of Riverside
Mark Wildermuth, Wildermuth Environmental, Inc.
Bob Wall, California Steel Inc.
Pat Kilroy, City of Lake Elsinore
Ken Jeske, City of Ontario
A. A. Krueger, Chino Basin WaterMaster
Jack Nelson, Yucaipa Valley Water District
Danette Boice, United Parcel Service

3. Approval of minutes of Regular Board Meeting of July 10, 1998

There being no additions or corrections, the minutes of the regular meeting held on July 10, 1998, were approved, as presented.

4. Consideration of Consent Calendar ItemsNPDES PERMITS – Renewal

United Parcel Service, Ontario, San Bernardino County (NPDES No. CA8000295) – Order No. 98-88, with errata sheet. (Executive Officer Thibeault stated that because the discharger failed to post notice regarding the proposed permit in a timely manner, the effective date for the permit would need to be September 17, 1998.)

Glen Ivy Hot Springs, Inc., Riverside County (NPDES No. CA800023), Order No. 98-87 (with errata sheet)

WASTE DISCHARGE REQUIREMENTS – Updates

Lake Hemet Municipal Water District, Hemet, Riverside County, Order No. 98-84

Idyllwild Water District, Idyllwild, Riverside County, Order No. 98-78

Thousand Trails, Inc., Idyllwild, Riverside County, Order No. 98-85

WASTE DISCHARGE REQUIREMENTS – Rescission

	<u>Order No.</u>	<u>Discharger</u>	<u>County</u>
1.	84-61	Teunis J. Teune, Teunis Dairy, Chino	San Bernardino
2.	85-40	Dick and John De Vry, De Vry Heifer Ranch, Chino	San Bernardino
3.	96-41	San Bernardino Co. Solid Waste Management, Milliken Landfill	San Bernardino
4.	80-78	Canyon Lake Property Owners Assoc. Canyon Lake	Riverside
5.	86-116	Gerald A. Collier, Mira Loma	Riverside
6.	85-113	Steelcase, Inc., Tustin	Orange
7.	94-65	Golden West Refining Company Huntington Beach	Orange
			Order No. 98-89

ACTION: It was moved by Board Member King, seconded by Board Member Gallarda, and unanimously carried to adopt Orders No. 98-88, 98-87, 98-84, 98-78, 98-85 and 98-89, as presented.

There were eight affirmative votes on Order No. 98-89, subitem No. 3, rescinding Cease and Desist Order No. 96-41, for San Bernardino County Solid Waste Management, Milliken Landfill.

APPEALS

5. Appeal for an Exemption from the Big Bear Valley Waste Discharge Prohibition for Subsurface Disposal System Use - Mr. Michael Rafferty, Tentative Tract No. 14782, Lots 16 through 29, Big Bear, San Bernardino County

Gary Stewart, Chief of the Regulations Section, presented this item. Mr. Stewart began his presentation with an overview of the waste discharge prohibition adopted by the Regional Board in 1973. Next, he reviewed the proposed project submitted by Mr. Rafferty. Mr. Rafferty proposes a 38-lot tract on 90 acres in the Sugarloaf area of Big Bear. Twenty-four of the lots are proposed to be connected to the sewer; however, since the sewer is not readily available to the remaining 14 lots, the use of individual septic tank-subsurface disposal systems is proposed. Staff has reviewed the proposed plans and recommends that the Board grant an exemption based on the lot size, the cost to provide sewer service to these lots, and that Big Bear Community Services District has no objections to the use of septic tank systems for these lots. Staff recommends that the exemption be granted with the following conditions: 1) a County approved soils percolation report is submitted demonstrating that each lot is suitable for subsurface disposal system use; 2) only one single family dwelling is to be constructed on each lot; 3) each of the lots would be required to immediately connect to the sewer should the sewer line be made available within 200 feet of the specified lots. Mr. Stewart answered questions from the Board.

In addition, Mr. Stewart noted a letter received by staff from Tricia Garrett stating her opposition to Regional Board approval for agenda items no. 5, 6, and 7.

Comments were provided by the following:

Mr. Rafferty stated his support of staff's recommendation.

ACTION: It was moved by Board Member King and unanimously carried to grant approval for an exemption from the Big Bear Valley Waste Discharge Prohibition, with the above-noted conditions.

6. Appeal for an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Kelly and Deby O’Gorman, Boyd and Jannette Goins, and Thomas Thompson, Parcels No. 1003-271-09, 1003-271-10 and 1003-271-11, Upland, San Bernardino County

Gary Stewart, Chief of the Regulations Section, presented this item. Mr. Stewart stated that the above-referenced parties submitted a proposed plan for approval for the use of septic tank subsurface disposal systems on three adjacent parcels where a single-family house is proposed to be constructed on each lot. Mr. Stewart noted that the size of each parcel is currently over 0.5 acre; however, to resolve an ongoing legal case, the size of each lot may be reduced to 0.48 acre net. Mr. Stewart explained how the proposal meets the intent of the Board's minimum lot size criteria and recommended that the Regional Board grant an exemption with the following conditions: 1) only one single family dwelling is to be constructed on each lot; and 2) a County approved soils percolation report is submitted indicating that the soils for each of these lots are suitable for subsurface disposal system use. Mr. Stewart answered questions from the Board.

ACTION: It was moved by Board Member Gallarda and unanimously carried to grant the exemption with the above-noted conditions.

7. Appeal for an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Ms. Sharon Decker, 7240 Scott Lane, Rancho Cucamonga, San Bernardino County

±

Gary Stewart, Chief of the Regulations Section, presented this item. Mr. Stewart began by reviewing the proposed project submitted by Ms. Decker. Ms. Decker proposes to install a mobile home (granny flat) on her lot for a residence for her parents. To accommodate the additional wastewater flow that would result, a second septic tank system or expansion of the current system will be necessary. Mr. Stewart stated that based on the Minimum Lot Size Requirement for Subsurface Disposal Use, adopted by the Regional Board in 1989, staff denied Ms. Decker's request for an exemption. However, Mr. Stewart indicated that it is reasonable to grant Ms. Decker the exemption with the following conditions: 1) once the mobile home is no longer required for the use of Ms. Decker's parents, it shall be removed from her property; and, 2) Ms. Decker must enter into an Agreement of Restriction, which shall become a part of the Chain of Title, that the property may not be sold until the mobile home has been removed. Mr. Stewart answered questions from the Board.

Board Member King requested that the exemption also include a third condition stipulating that only family members may occupy the mobile home residence, and that the mobile home be removed from the property 90 days after it has been vacated.

Lee Leonardo, representing Ms. Decker talked briefly about the proposed plan and stated that the City Building Department has granted approval of the plan to add a second disposal system to the property.

After discussion, the Regional Board added a condition that should a second disposal system be added on the property that it be removed along with the mobile home residence.

ACTION: It was moved by Board Member King to grant the exemption with the above-noted conditions.

The vote passed: Ayes: 7 Noes: 1

OTHER BUSINESS

14. Nitrogen/TDS Task Force

Mark Norton, Project Manager, Santa Ana Watershed Project Authority, provided background for this item. He then introduced Tim Moore, consultant for the Nitrogen/TDS Task Force.

Mr. Moore began his presentation by summarizing progress made by the Task Force since 1995, and outlined future goals. The purpose of the Task Force is to develop appropriate standards for the watershed that will be acceptable to upstream and downstream users. Mr. Moore indicated that although many risks are involved in this process, the Task Force plans to complete this project within the next two years. Mr. Moore reviewed the process used to set the existing objectives and discussed current considerations in revising the objectives, including safety factors and the need to consider water reclamation and conservation. Mr. Moore announced plans for a workshop scheduled for the fall season to present additional research findings. Task Force representatives have also scheduled a meeting with State Board staff to receive comments on the proposed objectives and methodology. Mr. Moore urged the Regional Board to designate an upstream and downstream Board Member and a staff member to attend the meeting. Mr. Moore answered questions from the Board.

Board Member King commented on the efforts and progress of the Task Force. He also emphasized the importance of setting objectives that include water reclamation and conservation guidelines.

Comments were provided by the following:

Doug Drury, Inland Empire Utilities Agency, expressed his concerns with the importance of the Task Force establishing objectives that will ensure protection to the waterbodies. He also talked about the importance of the Task Force being flexible in considering various methods to set objectives.

Andy Krueger, President of the Three Valleys Municipal Water District, read into the record a statement requesting that the Regional Board consider TDS objectives based on maximum beneficial use as well as ambient 1968 levels.

Joe Grindstaff, General Manager of the Santa Ana Watershed Project Authority, stated his support of Mr. Moore's comments to use innovation as a means for establishing the objectives for the Santa Ana Region.

15. Newport Bay Dredging

Kenneth Theisen, Sanitary Engineering Associate of the Planning Section, presented this item. Mr. Theisen showed viewgraphs depicting channels designated for the dredging project. He stated that the project has been delayed approximately six months due to El Nino and other uncontrollable operational problems. In addition, Mr. Theisen indicated that there have been numerous violations of the waste discharge requirements related to turbidity limits and inadequate measures to control the plume. Mr. Theisen stated that he believes that the discharger is now in compliance and staff is satisfied with the progress of the project. Mr. Theisen answered questions from the Board.

Executive Officer Thibeault acknowledged Mr. Theisen's efforts in overseeing this project.

16. Bolsa Chica Oversight Activities

Larry Vitale, Program Manager for the Bolsa Chica Project, presented this item, assisted by Mark Adelson, Chief of the Surveillance and Enforcement Section. In December of 1996, the United States Environmental Protection Agency, requested the Regional Board to act as the lead agency for cleanup oversight of the Bolsa Chica lowlands. At the March 7, 1997 meeting, the Regional Board adopted Resolution No. 97-19, accepting this role. Mr. Vitale showed maps of the Bolsa Chica lowlands and summarized plans for the project. The project is divided into three phases including investigation, cleanup and restoration. Funding for this project is provided by a grant from the United States Environmental Protection Agency. Currently the project is approaching the final step in the investigation phase, an approximate 2 million dollar effort. Mr. Vitale noted that the Board's involvement is funded through June 2001, although final restoration may not be completed for 15-20 years. Mr. Vitale answered questions from the Board.

5. Public Forum

Dennis Esterly, dba West Coast Charter, requested waiver of the administrative civil liability assessment of \$3,000 that was adopted by the Board at the March 6, 1998 meeting, for failure to submit the annual stormwater report.

Staff Counsel Cobb explained to Mr. Esterly that the Board was unable to waive the assessment, however, the Board could consider a payment schedule.

Discussion ensued among the Regional Board and it was agreed that Mr. Esterly would submit payments of \$300.00 for 10 months, with the first payment due on September 1, 1998.

17. General Permits

The Board accepted the report as received.

18. Quarterly Violations Report

The Board accepted the report as received.

19. Underground Storage Tanks Site Closure Report

The Board accepted the report as received.

20. Hazardous Waste and Sewage Spill Incident Report

The Board accepted the report as received.

21. Executive Officer's Report (information item).

Executive Officer Thibeault stated that staff has received a letter from the Metropolitan Water District of Southern California, requesting staff to send a letter to the State Board in support of the Peripheral Canal, which would serve an important role in providing a better quality water to Southern California. Executive Officer Thibeault asked the Regional Board for direction.

Board Member Gallarda stated his support of the request. Board Member King also stated his support and suggested staff notify the San Diego and Los Angeles regions and urge them to write letters for the support of the Peripheral Canal to the State Board.

22. Regional Board Member Communications

The Board Member Retreat scheduled for September 11, 1998 was postponed due to schedule conflicts and was rescheduled to October 23, 1998, at 10:00 a.m., in the City of Big Bear.

23. ADJOURNMENT

Regional Board Chair Henriques adjourned the meeting at 12:15 p.m. to the October 9, 1998 regular meeting to be held at the City Council Chambers of Newport Beach.

Respectfully submitted:

Gerard J. Thibeault
Executive Officer

/kyw